

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

JUAN C. MARTINEZ

v.

CA 08-345 ML

DEPUTY BOYD, et al.

MEMORANDUM AND ORDER

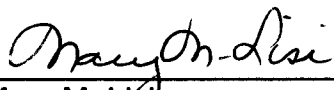
This matter is before the Court on Plaintiff's objection to a Report and Recommendation issued by Magistrate Judge Hagopian on April 9, 2008. In that Report and Recommendation, Magistrate Judge Hagopian recommends that this Court deny Plaintiff's Motion for Reconsideration. This Court adopts that recommendation, but offers the following comments to assist Plaintiff in refiling his claim.

Plaintiff is an inmate at the Adult Correctional Institutions. He has filed, *pro se*, a civil action against two correctional officers alleging inadequate medical attention. This Court dismissed Plaintiff's complaint when he failed to respond to an order to show cause why the case should not be dismissed for lack of prosecution. Plaintiff, in his objection to the Report and Recommendation, now advises of the difficulties he encountered in having Defendants served.

The Court notes that Plaintiff did not pay a filing fee, nor did he seek approval of the Court to proceed *in forma pauperis*. While the Court is mindful of the relaxed standards applicable to *pro se* litigants, Plaintiff has not even addressed these preliminary requirements. In addition, the Court notes that the dismissal in this case

was without prejudice and therefore Plaintiff may re-file his complaint. If Plaintiff cannot afford to pay the filing fee, he may seek to proceed *in forma pauperis*.

SO ORDERED:

A handwritten signature in cursive script, appearing to read "Mary M. Lisi", is written above a horizontal line.

Mary M. Lisi
Chief United States District Judge
May 6, 2009